

2026 Regular Session

SENATE BILL NO. 308

BY SENATOR MILLER

PUBLIC WORKS. Provides for notice of nonpayment of subcontractors on public works projects. (8/1/26)

1 AN ACT
2 To amend and reenact R.S. 38:2242(A) and to enact R.S. 38:2242(G), (H), and (I), relative
3 to claimants; to provide for relationships with owners or contractors; to provide for
4 notice to contractors and public entities; to provide for notice by noncontractual
5 claimants; to provide for procedure of service of notice; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:2242(A) is hereby amended and reenacted and R.S. 38:2242(G),
9 (H), and (I) are hereby enacted to read as follows:

10 §2242. Claimant defined; filing of sworn statements of amounts due; payment by
11 contracting authority

12 A. "Claimant", as used in this Chapter, means any person to whom money is
13 due pursuant to a contract **or noncontractual** relationship with the owner or a
14 contractor or subcontractor for doing work, performing labor, or furnishing materials
15 or supplies for the construction, alteration, or repair of any public works, or for
16 transporting and delivering such materials or supplies to the site of the job by a for-
17 hire carrier, or for furnishing oil, gas, electricity, or other materials or supplies for

1 use in machines used in the construction, alteration, or repair of any public works,
2 including persons to whom money is due for the lease or rental of movable property
3 used at the site of the immovable and leased to the owner, contractor, or
4 subcontractor by written contract, and including registered or certified surveyors or
5 engineers or consulting engineers, or licensed architects, or their professional
6 subconsultants employed by the owner or by the contractor or subcontractor in
7 connection with the building of any public work.

8 * * *

9 **G.(1) Any claimant who does not have a direct contractual relationship**
10 **with the contractor but intends to preserve the right to assert a claim under this**
11 **Part against the bond furnished pursuant to R.S. 38:2241 et seq., or against**
12 **unexpended contract funds shall serve a written "Notice to Contractor and**
13 **Public Entity" in accordance with this Subsection.**

14 **(2) The notice shall be served on both the contractor and the public**
15 **entity not later than forty-five days after the claimant first furnishes labor,**
16 **services, materials, or equipment to the public work.**

17 **(3) The notice shall state with substantial accuracy:**

18 **(a) The name and address of the claimant.**

19 **(b) The name of the contractor.**

20 **(c) The name of the person with whom the claimant has contracted.**

21 **(d) A general description of the labor, services, materials, or equipment**
22 **to be furnished.**

23 **(e) A statement that the claimant intends to look to the bond furnished**
24 **pursuant to this Part and to any unexpended contract funds for payment in the**
25 **event it is not timely paid.**

26 **(4) Failure of a claimant who does not have a direct contractual**
27 **relationship with the contractor to timely serve the notice required by this**
28 **Subsection shall preclude that claimant from asserting any claim or privilege**
29 **under this Part against the contractor, the surety on the bond, or the public**

1 entity, except as to work, labor, services, materials, or equipment furnished
2 prior to August 1, 2026.

3 H.(1)In addition to the notice required by Subsection G of this Section,
4 any claimant who does not have a direct contractual relationship with the
5 contractor and who intends to preserve the right to assert a claim under this
6 Part for unpaid labor, services, materials, or equipment furnished in a
7 particular calendar month shall also serve a "Monthly Notice of Nonpayment"
8 in accordance with this Subsection.

9 (2) For each calendar month in which the claimant furnishes labor,
10 services, materials, or equipment to the public work for which payment has not
11 been received within thirty days after payment is due under the claimant's
12 contract, the claimant shall serve a monthly notice on the contractor, the public
13 entity, and the surety on the bond.

14 (3) The monthly notice shall be served not later than seventy-five days
15 after the last day of the calendar month in which the unpaid labor, services,
16 materials, or equipment were furnished.

17 (4) The monthly notice shall state with substantial accuracy all of the
18 following:

19 (a) Project and public entity.

20 (b) Name of the contractor.

21 (c) Name of the person with whom the claimant has contracted.

22 (d) The calendar month or months to which the notice relates.

23 (e) Total amount claimed as unpaid for such month or months.

24 (f) Claimant has not been paid the amount and that failure to pay may
25 result in a claim against the bond and unexpended contract funds.

26 (5) A claimant who fails to timely serve a monthly notice as required by
27 this Subsection shall not be entitled to assert any claim or privilege under this
28 Part for the labor, services, materials, or equipment furnished during the
29 calendar month or months to which the untimely notice relates, but such failure

1 shall not affect rights preserved as to other calendar months for which timely
2 notice was given.

3 (6) Nothing in this Subsection shall be construed to diminish or impair
4 any notice requirement imposed upon a materialman by any other Subsection
5 of this Section. However, compliance with this Subsection shall be deemed
6 compliance with any duplicative monthly notice of nonpayment requirement
7 applicable to materialmen who do not have a direct contractual relationship
8 with the contractor.

9 I.(1) Any notice required by Subsection G or H of this Section shall be
10 served by one or more of the following methods:

11 (a) Registered or certified mail, postage prepaid, addressed to the last
12 known business address of the contractor, public entity, or surety, as applicable.

13 (b) Commercial delivery service which provides written confirmation of
14 delivery.

15 (c) Electronic mail directed to an address which the contractor, public
16 entity, or surety has expressly designated in the contract, in the bond, or in a
17 written notice filed of record with the public entity for receipt of notices under
18 this Part, provided that the sender retains proof of successful electronic
19 transmission.

20 (2) Service by any of the methods provided in Paragraph (1) of this
21 Subsection shall be effective upon deposit for mailing, delivery to a commercial
22 carrier, or successful electronic transmission, as the case may be.

23 (3) Nothing herein shall preclude the parties from agreeing in writing to
24 additional or alternative methods of service that afford actual notice.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

pursuant to a contract relationship with the owner or a contractor or subcontractor in connection with the building of any public work. Proposed law retains present law and adds "noncontractual" relationships to the definition.

Proposed law provides noncontractual claimant that intends to preserve the right to assert a claim against the bond furnished or against unexpended contract funds must serve a written "Notice to Contractor and Public Entity". Proposed law further provides the notice be served on the contractor and the public entity within 45 days after the claimant furnishes labor, services, materials, or equipment to the public work, and include the name and address of the claimant, the name of the contractor, the name of the person with whom the claimant has contracted if applicable, a general description of the labor, services, materials, or equipment to be furnished, a statement that the claimant intends to pursue the bond or unexpended contract funds for payment if not timely paid.

Proposed law provides a non contractual claimant's failure to timely serve notice required precludes the claimant from asserting any claim or privilege against the contractor, the surety on the bond, or the public entity, except as to work, labor, services, materials, or equipment furnished prior to August 1, 2026.

Proposed law provides any claimant who does not have a direct contractual relationship with the contractor and intends to preserve the right to assert a claim for unpaid labor, services, materials, or equipment furnished in a particular calendar month must serve a "Monthly Notice of Nonpayment" for each calendar month in which the claimant furnishes labor, services, materials, or equipment to the public work that payment has not been received, within 30 days after payment is due under the claimant's contract. Proposed law further provides the claimant must serve a "Monthly Notice of Nonpayment" on the contractor, the public entity, and the surety on the bond.

Proposed law provides the Monthly Notice of Nonpayment be served within 75 days after the last day of the calendar month in which the unpaid labor, services, materials, or equipment were furnished. Proposed law further provides the Monthly Notice of Nonpayment include the project and public entity, the name of the contractor, the name of the person the claimant has contracted, the calendar month or months the notice corresponds with, the total amount claimed as unpaid for the months, that the claimant has not been paid the amount, that failure to pay may result in a claim against the bond and unexpended contract funds.

Proposed law provides a claimant who does not timely serve a Monthly Notice of Nonpayment is not entitled to assert any claim or privilege for the labor, services, materials, or equipment furnished during the calendar month or months of the untimely notice. Proposed law further provides failure to timely serve notice does not affect rights preserved to other calendar months for which timely notice was given.

Proposed law provides the method of serving notice may be served by registered or certified mail, postage prepaid, addressed to the last known business address of the contractor, public entity, or surety, as applicable; commercial delivery service which provides written confirmation of delivery; electronic mail directed to an address which the contractor, public entity, or surety has expressly designated in the contract, in the bond, or in a written notice filed of record with the public entity for receipt of notices.

Proposed law further provides service by certain methods are effective when deposit for mailing, delivery to a commercial carrier, or successful electronic transmission, as the case may be. Proposed law further provides the parties can agree to additional or alternative methods of service.

Effective August 1, 2026.

(Amends R.S. 38:2242(A); adds R.S. 38:2242 (G), (H), and (I))